

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S private right of way, 422' *
W of c/l Earls Road * ZONING COMMISSIONER
510 Earls Road *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Johnny A. Peery, Jr., et ux * Case No. 95-218-A
Petitioners *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 510 Earls Road near the Bird River Beach section of Baltimore County. The Petition is filed by Johnny A. Peery, Jr., and Dawn C. Peery, his wife, property owners. Variance relief is requested from Sections 255.1 (238.2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 10 ft. side yard setback in lieu of the required 30 ft., and from Sections 102.2 (1B02.3.C.1 and 238.2) of the BCZR to allow a 30 ft. distance between buildings on a single lot in lieu of the required 55 ft. The subject property and relief requested are more particularly described on Petitioners' Exhibit No. 3, the plat to accompany the Petition for Zoning Variance.

Appearing at the requisite public hearing held for this case was the aforementioned property owners, Johnny A. Peery, Jr. and Dawn C. Peery. Also present was Robert R. Wilson, the surveyor who prepared the site plan. The Petitioners were represented by Leslie M. Pittler, Esquire. There were no Protestants or interested persons present; however a letter in opposition was received from Dawn M. Downes who resides next door.

Testimony and evidence presented was that the subject property is approximately .5401 acres in area and is zoned M.L.-I.M. The lot is a rectangularly shaped lot which has access to a public road (Earls Road) by way of a shared panhandle driveway. As shown on the zoning map, (Peti-

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Date

By

1/26/95
[Signature]

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tioners' Exhibit No. 4), the site is surrounded on all sides by properties also zoned M.L.-I.M. Moreover, testimony and evidence was offered that many of these properties are utilized as contractor's equipment storage yards and businesses.

The subject property is improved by an existing 1-1/2 story vinyl siding dwelling. Mr. and Mrs. Peery are recent purchasers of the property and reside therein. The site also contains a small wood shed and a gravel driveway. The Petitioners propose constructing a 60 ft. x 40 ft. metal garage. This one story building will contain 2400 sq. ft. and will be used to house the Petitioners' business. In this regard, Mr. Peery indicated that he is a contractor/hauler. His primary business is to haul for other companies. In fact, he under contract to haul for Waste Energy Inc. in Edgewood, Maryland. He hauls ash from an incinerator operated by that business to a landfill in Street, Maryland. Other work done by the company includes driveway installation, removal of septic tanks and grading of property. This business utilizes two dump trucks, a back hoe and a fork lift. The specific operation of his business is described in a letter from his attorney to the Office of Zoning Administration and Development Management (ZADM) (Petitioners' Exhibit No. 1A). This business, which is defined as a contractor's/construction equipment storage yard is permitted in an M.L. zone per Section 253.1.B.4 of the BCZR. Verification of this permitted use was supplied to the Petitioners by way of a letter from John L. Lewis of ZADM (Petitioners' Exhibit No. 1B).

Although the subject use is permitted, variances are needed for the proposed garage. In this respect, testimony was received from both the Petitioner and Mr. Wilson as to the practical difficulty/unreasonable hardship which justifies the variance. It is noted that the dwelling on the lot sits towards the rear of the tract and that the garage cannot be

placed in that portion of the yard. Also, the placement of the well and septic system on the lot reduce that portion of the parcel available for the garage. In order to address these concerns and also place the house further away from an adjacent residence, the Petitioners have proposed to construct the garage in the front portion of the lot near the side property line which separates the Petitioners' property from a large lot owned by Mr. C.D. Thomas. The Petitioners indicated that Mr. Thomas does not object to the construction of the garage, in that he maintains a similar business on the adjoining property.

The neighbor's letter protesting the variance is interesting in that it appears from the site plan that the garage is being placed further away from her property than would be allowed under the BCZR. That is, if the variances were not granted and the strict side yard setbacks need be maintained, the building would be placed in the center of the site closer to her house. Moreover, a front yard setback distance variance has not been requested so that the garage is no closer to the front property line than allowed under the regulations. Thus, the location of the garage is not infringing on the neighbor's sight distance.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. I am convinced that this property has unique characteristics which justify the grant of the relief requested. Moreover, the Petitioners will suffer an undue hardship and practical difficulty if the relief were to be denied.

It is also noted that the Petition for Variance has undergone review by the members of the Zoning Plans Advisory Committee. A comment has been received from the Department of Environmental Protection and Resource Management (DEPRM) regarding the variances. Their comment dated January 9, 1995 recommends approval of this Petition conditioned upon the comple-

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Date

By

tion of the septic system repair. This request shall be included as a condition in the grant of the relief.

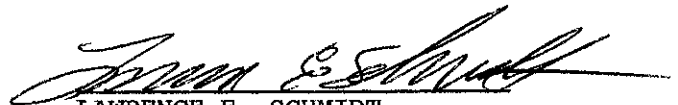
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26 day of January, 1995 that a variance from Sections 255.1 (238.2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 10 ft. side yard setback in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 102.2 (1B02.3.C.1 and 238.2) of the BCZR to allow a 30 ft. distance between buildings on a single lot, in lieu of the required 55 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated January 9, 1995, attached hereto and made a part thereof.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING

Date

By

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 25, 1995

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue
Suite 610
Towson, Maryland 21204

RE: Petition for Variance
Case No. 95-218-A
Property: 510 Earls Road
Johnny A. Peery, Jr., et ux, Petitioners

Dear Mr. Pittler:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

cc: Mr. and Mrs. Johnny A. Peery, Jr.
cc: Mrs. Dawn M. Downes

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#211



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 510 Earls Road

which is presently zoned ML-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

255.1 (238.2) for proposed 10' side yard in lieu of required 30' and 102.2 (100 A.B.C.1 + 238.2) for 30' between buildings on a single lot in lieu of required 55'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

due to practical difficulty being suffered by the Petitioner should these variances not be forthcoming.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Leslie M. Pittler, Esquire

(Type or Print Name)

Signature

29 West Susquehanna Avenue

Suite 610

Phone No.

Towson, Maryland 21204

City

State

Zipcode

(410) 823-4455

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Dawn Christine Peery
(Type or Print Name)

Dawn Christine Peery
Signature

Johnny Auston Peery
(Type or Print Name)

Johnny Auston Peery Jr.
Signature

510 Earls Road

Address

Phone No.

Baltimore, Maryland 21220

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 12-13-94



Printed with Soybean Ink
on Recycled Paper



MICHAEL BLANK



ROBERT R. WILSON
& ASSOCIATES, INC.

95-218-A

LAND SURVEYORS

P.O. Box 833
2408 Rocks Road
FOREST Hill, MD 21050

ZONING DESCRIPTION

PHONE (410) 893-3700
FAX (410) 836-5375

Beginning at a point on the north side of a private 15 foot right-of-way as recorded in Liber 7587 at Folio 458, said point being westerly 422 feet from the centerline of Earl's Road, said 15 foot right-of-way being 1,800 feet south of the intersect of Earl's Road and Ebenezer Road; thence departing said point so fixed

- 1) South 09° 26' 51" West, 200.00 feet;
- 2) South 79° 27' 39" East, 108.31 feet;
- 3) North 10° 46' 21" East, 224.85 feet to the north side of said 15 foot right-of-way; thence binding thereon
- 4) North 88° 07' 21" West, 115.74 feet to the point of beginning.

Being the same parcel of land as described in a deed dated October 17, 1988 as recorded among the Land Records of Baltimore County, Maryland in Liber 8012 at Folio 610, containing 0.5401 acres of land. Also know as 510 Earls Road and located in the 15th Election District.

J.O. 94129/gjt



#211

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-218-A

District 15th Date of Posting 12/28/94

Posted for: Various

Petitioner: Dawn & Johnny Perry

Location of property: 510 Earls Rd, S/S of Private Drive Way

Location of Signs: Facing roadway on property being zoned
Post at beginning of Private drive way of Earls Rd

Remarks: _____

Posted by M. Decker Date of return: 12/30/94
Signature

Number of Signs: 1



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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 116, Old Courthouse, 400 Washington

Avenue, Towson, Maryland 21204 as follows:

Case: #95-216-A
(Item #11)

510 Earle Road
S/S private right-of-way,
422' W. of Earle Road
15th Election District
5th Councilmanic

Legal Owner(s):

Dawn Christine Peery
and Johnny Auston Peery,
Jr.

Hearing: Friday,
January 20, 1996 at
11:00 a.m. in Rm. 106,
County Office Building.

Variance for proposed
10-foot side yard in lieu of the
required 30 feet and for 30 feet
between buildings on a single
lot in lieu of the required 65 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations. Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
12/313 December 29.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec 30, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 29, 1994.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

Publisher

451030411 M-57



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-218-A

Account: R-001-6150

Number

Date 12-13-94

Taken In By: JND/K

Item: 211

Peery, John and Dawn - 510 Earls Road

020 - Comm. Var. - \$ 250.00

080 - 1 sign - \$ 35.00

Total - \$ 285.00

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01601ND465MICNRC

\$285.00

BA 0002:18PM 12-13-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 211

Petitioner: John + Dawn Peery

Location: 510 Earls Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Leslie M. Pittler, Esquire

ADDRESS: 29 West Susquehanna Avenue, Suite 610
Towson, MD 21204

PHONE NUMBER: (410) 823-4455

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
December 29, 1994 Issue - Jeffersonian

Please forward billing to:

Leslie M. Pittler, Esq.
29 W. Susquehanna Avenue, Suite 610
Towson, Maryland 21204
410-823-4455

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-218-A (Item 211)

510 Earls Road

S/S private right-of-way, 422' W of c/l Earls Road

15th Election District - 5th Councilmanic

Legal Owner(s): Dawn Christine Peery and Johnny Auston Peery, Jr.

HEARING: FRIDAY, JANUARY 20, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance for proposed 10-foot side yard in lieu of the required 30 feet and for 30 feet between buildings on a single lot in lieu of the required 55 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 22, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-218-A (Item 211)

510 Earls Road

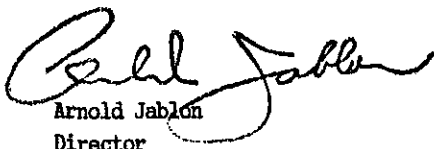
S/S private right-of-way, 422' W of c/l Earls Road

15th Election District - 5th Councilmanic

Legal Owner(s): Dawn Christine Peery and Johnny Auston Peery, Jr.

HEARING: FRIDAY, JANUARY 20, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance for proposed 10-foot side yard in lieu of the required 30 feet and for 30 feet between buildings on a single lot in lieu of the required 55 feet.


Arnold Jablon
Director

cc: Dawn C. Peery and Johnny A. Peery, Jr.
Leslie M. Pittler, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 13, 1995

Leslie M. Pittler, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

RE: Item No.: 211
Case No.: 95-218-A
Petitioner: Dawn Peery

Dear Ms. Pittler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 13, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/22/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 27, 1994.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 208, 209, 210, 211,
212, 214, 215 AND 216.

RECEIVED

JAN 3 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1105F

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

12-27-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: MS. JOYCE WATSON
Dear Ms. Winiarski:

Re: Baltimore County
Item No.: +211 (MSK)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director January 9, 1995
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #211 - Peery Property
510 Earls Road
Zoning Advisory Committee Meeting of December 27, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

A plumbing permit was secured on November 16, 1994 to install 3 absorption trenches, 50' long, to replace the dry well.

We recommend approval of this zoning petition conditioned upon the completion of the septic system repair.

JLP:TE:sp

PEERY/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: January 4, 1995
Zoning Administration and Development Management

FROM *Put* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 3, 1995
Items 173 (Case #94-176 SPH), 209, 210, (211,
212, 213, and 214

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 3, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item No. 211

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Kerns

PK/JL

RE: PETITION FOR VARIANCE
510 Earls Road, S/S private right-of-
way, 422' W of c/l Earls Road, 15th
Election District, 5th Councilmanic

Dawn C. and Johnny A. Peery, Jr.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-218-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esquire, 29 W. Susquehanna Avenue, Suite 610, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

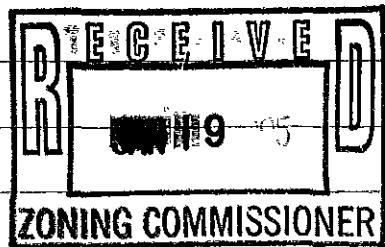
PETER MAX ZIMMERMAN

3605-10-10-1

CASE #95-218-A

DAWN M. DOWNES
512 EARLS ROAD
BALTO. MD, 21220
JANUARY 18TH 1995

MY CURRENT RESIDENCE IS AT 512 EARLS ROAD. I AM OPPOSED TO THE BUILDING PROPOSED TO BE CONSTRUCTED ON THE PROPERTY OF 510 EARLS RD.. MY REASON BEING THAT IT WILL obstruct my only view to the main ROAD in which my house is LOCATED. THE FRONT OF MY house faces BENHOF'S TRUCKING CO., the LEFT & BACK SIDES OF my house face C.D. THOMAS TRUCKING CO.. THEREFORE, THE WINDOWS ON THE RIGHT SIDE OF my house are the only WINDOWS in which I have a descent view. IN CONCLUSION, I DO NOT WISH THAT A ZONING PERMIT for this building be issued to 510 EARLS ROAD.



THANK YOU,

Dawn M. Downes
DAWN M. DOWNES

(H) 335-9429 (W) 584-2105

MICROFILMED

CASE #95-218-A
(510 EARLS RD.
BALTO. MD. 21220)

ZADM
COUNTY OFFICE BLDG.
Room 106
TOWSON, MD. 21204

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert R. Wilson

2408 ROCKS ROAD FOREST HILL, MD, 21050

John A. Berry

510 EARLES ROAD BALTO, MD 21220

Dawn C. Peery

510 EARLES ROAD BALTIMORE, MD 21220

Leslie M. Rottler

29 W. SUSQUEHANNA AVE
21204



000000000000

211

Note to the Hearing Officer:

General note C lists a 75' front setback and 50' rear and side setback.

These setbacks are required in the M. R. zone; however, the setbacks of M. R. would not apply as the site is not within 100' of a residential zone or a right-of-way which abuts a residential zone. The B. R. setbacks apply.

ENCLOSURE

M. L. Kellman
12/14/94

LESLIE M. PITTLER
ATTORNEY AT LAW
SUITE 610
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204

OFFICE 410-823-4455
FAX 410-583-2437
HOME 410-296-4461

October 31, 1994

Pet 1A

Mr. Arnold Jablon
Director
Zoning Administration & Development
Management Office - County Office Bldg.
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Auston Contracting, Inc.

Dear Mr. Jablon:

Please be advised that I am counsel to the Auston Contracting, Inc., which is in the process of acquiring a .54 acre tract of land, located at 518 Earls Road in eastern Baltimore County.

The site is located within an ML zone and the work which will be performed on the particular location can be described as follows by the principals of the property:

To whom it may concern:

The following is an explanation of what type of work and equipment that is owned by Auston Contracting, Inc.

The biggest part of our business deals with contract hauling for Waste Energy in Edgewood, Md., to Scarboro landfill in Street, Md. The material hauled is ash from the incinerator, this is done by a 1989 Mack dump truck and a 1993 Kenworth dump truck. We also haul many other materials such as dirt, mulch, sand, blacktop, stone, etc.

Other work done by our company includes driveway installation, installation and removal of septic tanks and grading and leveling off yards. This work is done by a 1969 Case backhoe. We also have a rim crusher and a Petibone forklift which is used to help Automotive Recyclers & Dismantlers to

MICROFILMED

Leslie M. Pittler

Mr. Arnold Jablon
October 31, 1994
Page -2-

effectively dispose of the tires and rims from automobiles. The rim crusher smashes the tire and rims which make it easier to remove the old tire and then the rim is placed into our dump truck(s) and then delivered to a scrap processor. All of this work is done on location of the Automotive Recycler & Dismantlers property.

The Petibone Forklift is also used at the Auto Recycler & Dismantler to help organize the yard and to semi-crush cars that are to be delivered to the scrap processor.

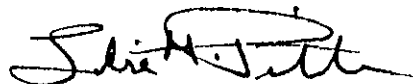
All the above mentioned equipment must be serviced on a weekly basis and as break downs occur. This would be the reason to have a garage to service and store the equipment when not in use.

Thank you for your time.

As you will note, the process indicated above will put the use of the property within the realm of a contracting business wherein the equipment will simply be stored on the subject site as a storage yard with nothing but light maintenance to be performed to keep said equipment in an operational state.

Thus, the purpose of this letter is for your Department to confirm that this business can operate as a matter of right within an ML Zoning classification.

Very truly yours,



Leslie M. Pittler

LMP/dac

#LMP\A:jablon1.ltr

cc: John and Dawn Peery
Mr. Robert R. Wilson

RECEIVED
OCT 31 1994
FBI - NEW YORK

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 3, 1994

Leslie M. Pittler, Esquire
Suite 610, 29 West Susquehanna Avenue
Towson, Maryland 21204

RE: Zoning Verification
Auston Contracting, Inc.
518 Earls Road
15th Election District

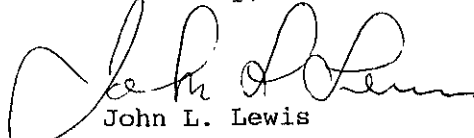
Dear Mr. Pittler:

Based on the provided information, the proposed use of the site is that of a contractors/construction equipment storage yard and is a permitted use in the M.L. zone, per Section 253.1.B.4 of the Baltimore County Zoning Regulations (BCZR), subject to Sections 253.4, 253.5, 254, and 255, BCZR (copies attached). Please be aware that since no site plan was provided, the site was not checked for proximity to residential zones or interstate roads as restricted in the above-referenced sections.

Please be aware that this letter references zoning issues only and is not intended to address any other agencies concerns.

Should you have any additional questions, please feel free to contact me at 887-3391.

Sincerely,


John L. Lewis
Planner II

JLL/kh
Attachment



253.3--Scope of "Restricted Production." For the purposes of this section, "restricted production" shall include only the assembly, manufacture, or compounding of articles of merchandise from previously prepared materials, or the machining, electroplating, or other, comparable light processing or treatment of such articles; but it shall not include the manufacture of large stampings (such as motor-vehicle fenders or bodies). (However, the exclusion of a use under a particular entry, whether by virtue of a limitation to restricted production or otherwise, does not affect the applicability of any other entry under which the use may be described.) [Bill No. 100, 1970.]

253.4--Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, only passenger-automobile accessory parking and those uses permitted in M.R. zones, as limited by the use regulations in Section 241, are permitted. Any use other than passenger automobile accessory parking and those uses permitted in M.R. zones as limited by the use regulations in Section 241 established within 100 feet of the right-of-way of an existing or proposed freeway or expressway so designated by the planning board shall be screened from the motorway in accordance with the standards and criteria contained in the Baltimore County landscape manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code. Notwithstanding the foregoing, no trucking facility or part of a trucking facility may be established within 100 feet of such a right of way. [Bills No. 100, 1970; No. 176, 1981; No. 31, 1984.]

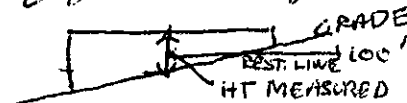
LANDSCAPE/SCREENING
ONLY
FOR FRWY
OR EXWY
NOT PERMITTED FOR
RES ZONE B.
VAR. NEEDED
FOR USE WITHIN
100'

253.5--Conflicts with Section 270. Wherever any provision of this section may conflict with a provision of Section 270, the provision in this section shall control. [Bill No. 100, 1970.]

Section 254³³--HEIGHT REGULATIONS [B.C.Z.R., 1955.]

Height unlimited except that no building hereafter erected on a lot which abuts a residence or business zone shall exceed a height of 40 feet or three stories if any part of said building is within 100 feet of the boundary line of said residence or business zone (see Sections 255.1³⁴ and 300). [B.C.Z.R., 1955; Bill No. 56, 1961.]

*For bldg height where bldg cut by 100' restriction line
the part of bldg in lot rest. area must be measured
independently for the 40 ft max ht.*



Section 255--AREA REGULATIONS [B.C.Z.R., 1955; Bill No. 85,
1967.]

255.1--The area regulations in M.L. zone shall be the same as those in B.R. zone unless such B.R. zone regulations conflict with the provisions of Section 255.2.³⁵ [B.C.Z.R., 1955, Section 255; Bill No. 85, 1967.]

255.2--Within 100 feet of any residential zone boundary or the right-of-way of any street abutting such a boundary, or within 100 feet of the right-of-way of an existing or proposed interstate highway, other freeway, or expressway which motorway is officially so designated by the state roads commission³⁶ and/or the county, the front, side, and rear yards shall be as required in M.R. zone (see Sections 243.1, 243.2, and 243.3). [Bills No. 56, 1961, Subsection 255.1; No. 85, 1967.]

M.H. ZONE--MANUFACTURING, HEAVY [B.C.Z.R., 1955.]

Section 256³⁷--USE REGULATIONS

The following uses only are permitted, subject to the provisions of 256.5: [B.C.Z.R., 1955; Bill No. 85, 1967 (substantive amendment).]

256.1³⁸--Uses permitted in M.R. zone, Section 241.1 and in Section 253.4.³⁹ of the M.L. zone; [B.C.Z.R., 1955; Bill No. 85, 1967 (substantive amendment).]

Animal boarding place, Class A. {Bill No. 85, 1967.}

Animal boarding place, Class B. {Bill No. 85, 1967.}

Boat yard. {Bills No. 64, 1963; No. 85, 1967.}

Car wash in a planned industrial park only, subject to Section 419. {Bill No. 172, 1993.}

Commercial beach, with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and boat rental. {Bills No. 64, 1963; No. 85, 1967.}

Community building, swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities. {Bills No. 64, 1963; No. 85, 1967; No. 26, 1988.}

Fuel service station, in a planned industrial park only, subject to Section 405. {Bill No. 172, 1993.}

Golf course, country club or other outdoor recreation clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line. {Bills No. 64, 1963; No. 85, 1967.}

GARAGE
PER WORK
GARAGE SVC.
PROVIDED BY
EXCLUSION

PROMPT
PROFESSIONAL
SERVICE

Lang's Septic Tank Service

408 PULASKI HWY. - JOPPA, MD 21085 - PHONE 678-2662

January 13, 1995

Mrs. Dawn Peery
510 Earls Rd.
Baltimore, MD. 21220

Dear Mrs. Peery:

As per our discussion, please accept this letter as confirmation that we anticipate commencement of work on the septic system to begin the week of January 23, 1995, with weather permitting.

If you have any questions, please call at your convenience.

Sincerely,

Robert M. Lang, Sr.
Robert M. Lang, Sr.

Red No 2

MICROFILMED

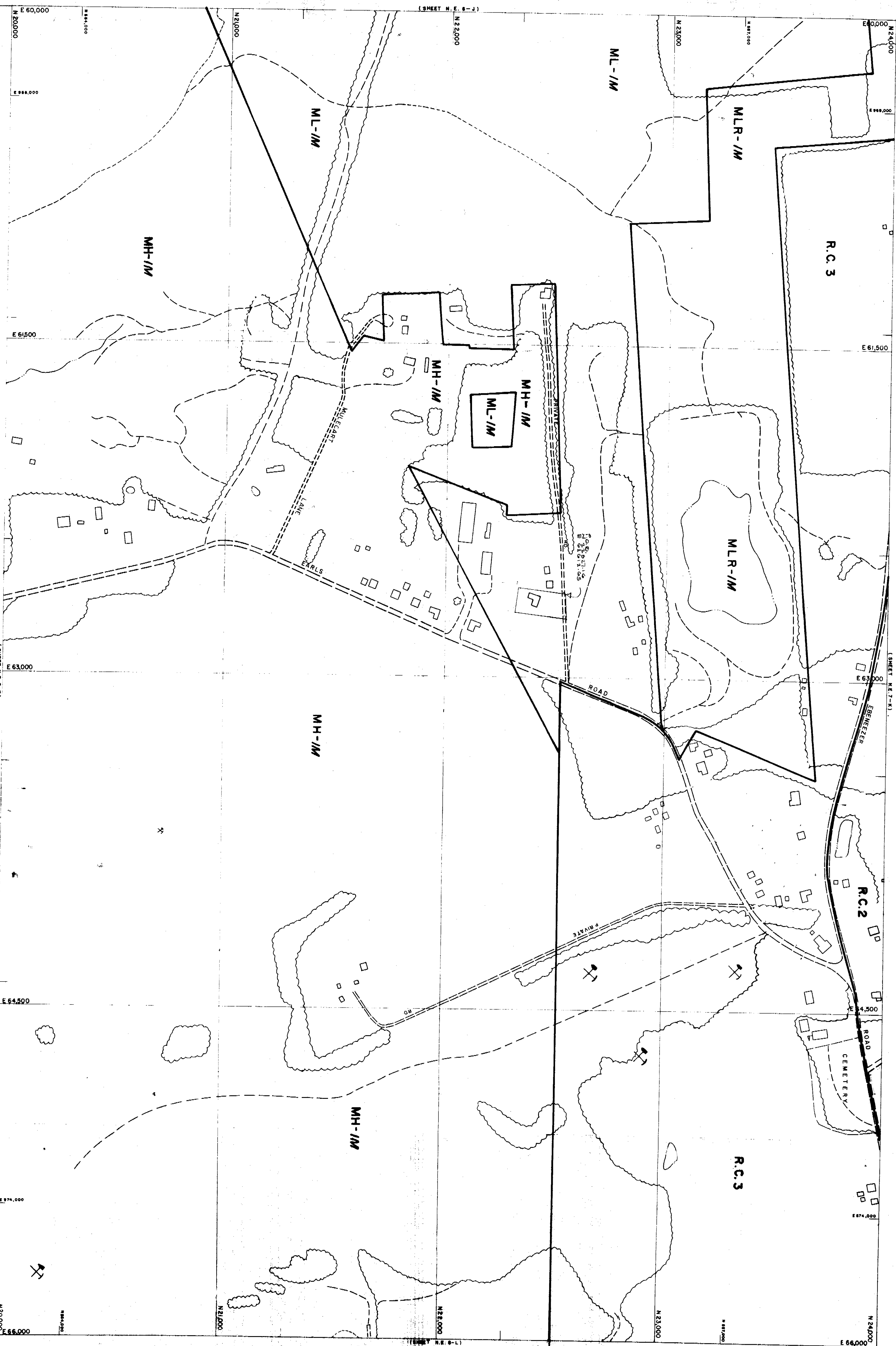
WILLIAM C. BROWN JR.

ALBERT V. WILLIAMS

MEER

P. 157
P. 163

2. 4. 7



THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 PHOTOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHANAN-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 1992 Nos. 185-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92
William D. Howard
 Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'	CHASE	NE
DATE OF PHOTOGRAPHY	VICINITY	
JANUARY 1986		6-K

MICROFILMED #211

95-218-A

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S private right of way, 422' * ZONING COMMISSIONER
W of c/n Earls Road *
510 Earls Road * OF BALTIMORE COUNTY
15th Election District *
Johnny A. Peery, Jr., et ux * Case No. 95-218-A
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 510 Earls Road near the Bird River Beach section of Baltimore County. The Petition is filed by Johnny A. Peery, Jr., and Dawn C. Peery, his wife, property owners. Variance relief is requested from Sections 255.1 (238.2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 10 ft. side yard setback in lieu of the required 30 ft., and from Sections 102.2 (1802.3.C.1 and 238.2) of the BCZR to allow a 30 ft. distance between buildings on a single lot in lieu of the required 55 ft. The subject property and relief requested are more particularly described on Petitioners' Exhibit No. 3, the plat to accompany the Petition for Zoning Variance.

Appearing at the requisite public hearing held for this case was the aforementioned property owners, Johnny A. Peery, Jr. and Dawn C. Peery. Also present was Robert R. Wilson, the surveyor who prepared the site plan. The Petitioners were represented by Leslie M. Pittler, Esquire. There were no Protestants or interested persons present; however a letter in opposition was received from Dawn M. Downes who resides next door.

Testimony and evidence presented was that the subject property is approximately .5401 acres in area and is zoned M.L.-I.M. The lot is a rectangularly shaped lot which has access to a public road (Earls Road) by way of a shared panhandle driveway. As shown on the zoning map, (Peti-

tioners' Exhibit No. 4), the site is surrounded on all sides by properties also zoned M.L.-I.M. Moreover, testimony and evidence was offered that many of these properties are utilized as contractor's equipment storage yards and businesses.

The subject property is improved by an existing 1-1/2 story vinyl siding dwelling. Mr. and Mrs. Peery are recent purchasers of the property and reside therein. The site also contains a small wood shed and a gravel driveway. The Petitioners propose constructing a 60 ft. x 40 ft. metal garage. This one story building will contain 2400 sq. ft. and will be used to house the Petitioners' business. In this regard, Mr. Peery indicated that he is a contractor/hauler. His primary business is to haul for other companies. In fact, he under contract to haul for Waste Energy Inc. in Edgewood, Maryland. He hauls ash from an incinerator operated by that business to a landfill in Street, Maryland. Other work done by the company includes driveway installation, removal of septic tanks and grading of property. This business utilizes two dump trucks, a back hoe and a fork lift. The specific operation of his business is described in a letter from his attorney to the Office of Zoning Administration and Development Management (ZADM) (Petitioners' Exhibit No. 1A). This business, which is defined as a contractor's/construction equipment storage yard is permitted in an M.L. zone per Section 253.1.B.4 of the BCZR. Verification of this permitted use was supplied to the Petitioners by way of a letter from John L. Lewis of ZADM (Petitioners' Exhibit No. 1B).

Although the subject use is permitted, variances are needed for the proposed garage. In this respect, testimony was received from both the Petitioner and Mr. Wilson as to the practical difficulty/unreasonable hardship which justifies the variance. It is noted that the dwelling on the lot sits towards the rear of the tract and that the garage cannot be

-2-

placed in that portion of the yard. Also, the placement of the well and septic system on the lot reduce that portion of the parcel available for the garage. In order to address these concerns and also place the house further away from an adjacent residence, the Petitioners have proposed to construct the garage in the front portion of the lot near the side property line which separates the Petitioners' property from a large lot owned by Mr. C.D. Thomas. The Petitioners indicated that Mr. Thomas does not object to the construction of the garage, in that he maintains a similar business on the adjoining property.

The neighbor's letter protesting the variance is interesting in that it appears from the site plan that the garage is being placed further away from her property than would be allowed under the BCZR. That is, if the variances were not granted and the strict side yard setbacks need be maintained, the building would be placed in the center of the site closer to her house. Moreover, a front yard setback distance variance has not been requested so that the garage is no closer to the front property line than allowed under the regulations. Thus, the location of the garage is not infringing on the neighbor's sight distance.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. I am convinced that this property has unique characteristics which justify the grant of the relief requested. Moreover, the Petitioners will suffer an undue hardship and practical difficulty if the relief were to be denied.

It is also noted that the Petition for Variance has undergone review by the members of the Zoning Plans Advisory Committee. A comment has been received from the Department of Environmental Protection and Resource Management (DEPRM) regarding the variances. Their comment dated January 9, 1995 recommends approval of this Petition conditioned upon the comple-

-3-

tion of the septic system repair. This request shall be included as a condition in the grant of the relief.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of January, 1995 that a variance from Sections 255.1 (238.2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 10 ft. side yard setback in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 102.2 (1802.3.C.1 and 238.2) of the BCZR to allow a 30 ft. distance between buildings on a single lot, in lieu of the required 55 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated January 9, 1995, attached hereto and made a part thereof.

LES:mmm

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 25, 1995

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue
Suite 610
Towson, Maryland 21204

RE: Petition for Variance
Case No. 95-218-A
Property: 510 Earls Road
Johnny A. Peery, Jr., et ux, Petitioners

Dear Mr. Pittler:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.
cc: Mr. and Mrs. Johnny A. Peery, Jr.
cc: Mrs. Dawn M. Downes



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 510 Earls Road
which is presently zoned ML-I-M

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)
255.1 (238.2) for proposed 10' side yard in lieu of required 30' and 102.2 (1802.3.C.1 & 238.2) for 30' between buildings on a single lot in lieu of required 55'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

due to practical difficulty being suffered by the Petitioner should these variances not be forthcoming.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Leslie M. Pittler, Esquire

(Type or Print Name)

Signature

Address

City

State

Zipcode

39 West Susquehanna Avenue

Suite 610

Towson, Maryland 21204

(410) 823-4455

After the necessary decision and action, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Dawn Christine Peery

Johnny Austin Peery

Johnny Austin Peery

Johnny Austin Peery

Johnny Austin Peery

Johnny Austin Peery

Johnny Austin Peery

Johnny Austin Peery

Johnny Austin Peery

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Johnny Austin Peery



ROBERT R. WILSON
& ASSOCIATES, INC.

LAND SURVEYORS

P.O. Box 873

2408 Rock Road

Forest Hill, MD 21050

PHONE (410) 893-3700

FAX (410) 836-5775

ZONING DESCRIPTION

Beginning at a point on the north side of a private 15 foot right-of-way as recorded in Liber 7587 at Folio 458, said point being westerly 422 feet from the centerline of Earl's Road, said 15 foot right-of-way being 1,800 feet south of the intersect of Earl's Road and Ebenezer Road; thence departing said point so fixed

- 1) South 09° 26' 51" West, 200.00 feet;
- 2) South 79° 27' 39" East, 108.31 feet;
- 3) North 10° 46' 21" East, 224.85 feet to the north side of said 15 foot right-of-way; thence binding thereon
- 4) North 88° 07' 21" West, 115.74 feet to the point of beginning.

Being the same parcel of land as described in a deed dated October 17, 1988 as recorded among the Land Records of Baltimore County, Maryland in Liber 8012 at Folio 610, containing 0.5401 acres of land, also known as 510 Earls Road and located in the 15th Election District.

J.O. 94129/gjt



#211

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 95-218-A
Towson, Maryland

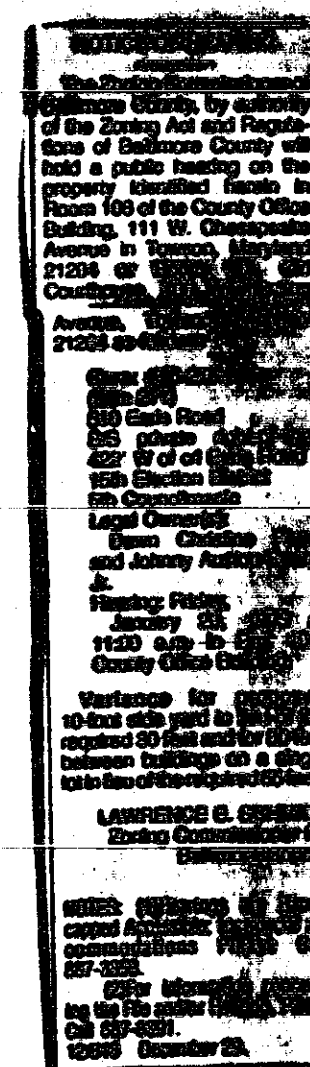
District: *15th* Date of Posting: *12/25/94*
Posted for: *Variance*
Petitioner: *Dawn & Johnny Peery*
Location of property: *510 Earls Rd. 3/4 of block driveway*
Location of Signs: *Facing property & property being posted*
Post at beginning of block driveway at Earls Rd
Remarks: *None*
Posted by: *MR. J. O. 94129/gjt* Date of return: *12/30/94*
Number of Signs: *1*

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec 30, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 29, 1994.

THE JEFFERSONIAN,
A. H. HENRIKSON
LEGAL AD. - TOWSON



receipt
95-218-A

Date: 12-13-94

Account: R-0716150

Number: 211

Item: 211

Per: John and Dawn - 510 Earls Road

020 - Comm. Var. - \$ 250.00

030 - 1st 340' - \$ 35.00

Total - \$ 285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 211

Petitioner: John and Dawn Peery

Location: 510 Earls Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Leslie M. Pittler, Esquire

ADDRESS: 29 West Susquehanna Avenue, Suite 610
Towson, MD 21204

PHONE NUMBER: (410) 823-4455

AD: ggs (Revised 04/09/93)

TO: PUTNEM PUBLISHING COMPANY
December 29, 1994 Issue - Jeffersonian

Please forward billing to:

Leslie M. Pittler, Esq.
29 W. Susquehanna Avenue, Suite 610
Towson, Maryland 21204
410-823-4455

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-218-A (Item 211)
510 Earls Road
S/S private right-of-way, 422' W of c/l Earls Road
15th Election District - 5th Councilmanic
Legal Owner(s): Dawn Christine Peery and Johnny Austin Peery, Jr.
HEARING: FRIDAY, JANUARY 20, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance for proposed 10-foot side yard in lieu of the required 30 feet and for 30 feet between buildings on a single lot in lieu of the required 55 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

DECEMBER 22, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-218-A (Item 211)
510 Earls Road
S/S private right-of-way, 422' W of c/l Earls Road
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HEARING: FRIDAY, JANUARY 20, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance for proposed 10-foot side yard in lieu of the required 30 feet and for 30 feet between buildings on a single lot in lieu of the required 55 feet.

Arnold Jablon, Director

cc: Dawn C. Peery and Johnny A. Peery, Jr.
Leslie M. Pittler, Esq.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 13, 1995

Leslie M. Pittler, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

RE: Item No.: 211
Case No.: 95-218-A
Petitioner: Dawn Peery

Dear Ms. Pittler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 13, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/22/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1102

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 27, 1994.

Item No.: SEE BELOW Zoning Agenda:

Petitioner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 209, 209, 210, 211, 212, 214, 215 AND 216.

RECEIVED
JAN 3 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERHALD
Fire Marshal's Office, 44ONE 827-4891, 85-1102F

cc: File

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

12-27-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: JOYCE WATSON

Re: Baltimore County
Item No.: 211 (MJK)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #211 - Peery Property
510 Earls Road
Zoning Advisory Committee Meeting of December 27, 1994

January 9, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

A plumbing permit was secured on November 16, 1994 to install 3 absorption trenches, 50' long, to replace the dry well.

We recommend approval of this zoning petition conditioned upon the completion of the septic system repair.

JLP:TE:sp
PEERY/DEPRM/TXTSBP

RWB: 6W

ITEM211/PZONE/TXTJWI

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Note to the Hearing Officer.
General note C notes a 75' L.S. setback and 50' rear and side setbacks. These setbacks are repeated in the M.R. zoning however, the setbacks on M.R. would not apply as the site is not within 100' of a residential zone or a right-of-way abutting a residential zone. The B.R. setbacks apply.

M. L. K. 10011.000.
12/14/44

(H) 335-9429 (W) 584-2105

LESLIE M. PITTIER
ATTORNEY AT LAW
SUITE 610
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204

OFFICE 410-823-4455
FAX 410-583-2437
HOME 410-296-4461

October 31, 1994

Mr. Arnold Jablon
Director
Zoning Administration & Development
Management Office County Office Bldg.
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Auston Contracting, Inc.

Dear Mr. Jablon:

Please be advised that I am counsel to the Auston Contracting, Inc., which is in the process of acquiring a .54 acre tract of land, located at 518 Earls Road in eastern Baltimore County.

The site is located within an ML zone and the work which will be performed on the particular location can be described as follows by the principals of the property:

To whom it may concern:

The following is an explanation of what type of work and equipment that is owned by Auston Contracting, Inc.

The biggest part of our business deals with contract hauling for Waste Energy in Edgewood, Md., to Scarboro landfill in Street, Md. The material hauled is ash from the incinerator, this is done by a 1989 Mack dump truck and a 1993 Kenworth dump truck. We also haul many other materials such as dirt, mulch, sand, blacktop, stone, etc.

Other work done by our company includes driveway installation, installation and removal of septic tanks and grading and leveling off yards. This work is done by a 1969 Case backhoe. We also have a rim crusher and a Petibone forklift which is used to help Automotive Recyclers & Dismantlers to

Mr. Arnold Jablon
October 31, 1994
Page -2-

effectively dispose of the tires and rims from automobiles. The rim crusher smashes the tire and rims which make it easier to remove the old tire and then the rim is placed into our dump truck(s) and then delivered to a scrap processor. All of this work is done on location of the Automotive Recycler & Dismantlers property.

The Petibone Forklift is also used at the Auto Recycler & Dismantler to help organize the yard and to semi-crush cars that are to be delivered to the scrap processor.

All the above mentioned equipment must be serviced on a weekly basis and as break downs occur. This would be the reason to have a garage to service and store the equipment when not in use.

Thank you for your time.

As you will note, the process indicated above will put the use of the property within the realm of a contracting business wherein the equipment will simply be stored on the subject site as a storage yard with nothing but light maintenance to be performed to keep said equipment in an operational state.

Thus, the purpose of this letter is for your Department to confirm that this business can operate as a matter of right within an ML Zoning classification.

Very truly yours,

Leslie M. Pittier

Leslie M. Pittier

LMP/dac
#LMPajablon1.tr
cc: John and Dawn Peery
Mr. Robert R. Wilson

Leslie M. Pittier

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

November 3, 1994

(410) 887-3353

Leslie M. Pittier, Esquire
Suite 610, 29 West Susquehanna Avenue
Towson, Maryland 21204

RE: Zoning Verification
Auston Contracting, Inc.
518 Earls Road
15th Election District

Dear Mr. Pittier:

Based on the provided information, the proposed use of the site is that of a contractors/construction equipment storage yard and is a permitted use in the M.L. zone, per Section 253.1.B.4 of the Baltimore County Zoning Regulations (BCZR), subject to Sections 253.4, 253.5, 254, and 255, BCZR (copies attached). Please be aware that since no site plan was provided, the site was not checked for proximity to residential zones or interstate roads as restricted in the above-referenced sections.

Please be aware that this letter references zoning issues only and is not intended to address any other agencies concerns.

Should you have any additional questions, please feel free to contact me at 897-3391.

Sincerely,

John L. Lewis
John L. Lewis
Planner II

JLL/kh
Attachment

253.3--Scope of "Restricted Production." For the purpose of this section, "restricted production" shall include only the assembly, manufacture, or compounding of articles of merchandise from previously prepared materials, or the machining, electroplating, or other, comparable light processing or treatment of such articles; but it shall not include the manufacture of large stampings (such as motor-vehicle fenders or bodies). (However, the exclusion of a use under a particular entry, whether by virtue of a limitation to restricted production or otherwise, does not affect the applicability of any other entry under which the use may be described.) [Bill No. 100, 1970.]

253.4--Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, only passenger-automobile accessory parking and those uses permitted in M.R. zones, as limited by the use regulations in Section 241, are permitted. Any use other than passenger automobile accessory parking and those uses permitted in M.R. zones as limited by the use regulations in Section 241 established within 100 feet of the right-of-way of an existing or proposed freeway or expressway so designated by the planning board shall be screened from the motorway in accordance with the standards and criteria contained in the Baltimore County landscape manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code. Notwithstanding the foregoing, no trucking facility or part of a trucking facility may be established within 100 feet of such a right of way. [Bills No. 100, 1970; No. 176, 1981; No. 31, 1984.]

253.5--Conflicts with Section 270. Wherever any provision of this section may conflict with a provision of Section 270, the provision in this section shall control. [Bill No. 100, 1970.]

Section 254³³--HEIGHT REGULATIONS [B.C.Z.R., 1955.]

Height unlimited except that no building hereafter erected on a lot which abuts a residence or business zone shall exceed a height of 40 feet or three stories if any part of said building is within 100 feet of the boundary line of said residence or business zone (see Sections 255.1³⁴ and 300). [B.C.Z.R., 1955; Bill No. 56, 1961.]

For 40 ft height when building is within 100 feet of boundary line the party building must also must be constructed independently of the 40 ft may be.

*GRADE
DIST. 100'
HT. MEASURED*

REV 06/92

2-72

Section 255--AREA REGULATIONS [B.C.Z.R., 1955; Bill No. 85, 1967.]

255.1--The area regulations in M.L. zone shall be the same as those in B.R. zone unless such B.R. zone regulations conflict with the provisions of Section 255.2.³⁵ [B.C.Z.R., 1955, Section 255; Bill No. 85, 1967.]

255.2--Within 100 feet of any residential zone boundary or the right-of-way of any street abutting such a boundary, or within 100 feet of the right-of-way of an existing or proposed interstate highway, other freeway, or expressway which motorway is officially so designated by the state roads commission³⁶ and/or the county, the front, side, and rear yards shall be as required in M.R. zone (see Sections 243.1, 243.2, and 243.3). [Bills No. 56, 1961, Subsection 255.1; No. 85, 1967.]

M.H. ZONE--MANUFACTURING, HEAVY [B.C.Z.R., 1955.]

Section 256³⁷--USE REGULATIONS

The following uses only are permitted, subject to the provisions of 256.5: [B.C.Z.R., 1955; Bill No. 85, 1967 (substantive amendment).]

256.1³⁸--Uses permitted in M.R. zone, Section 241.1 and in Section 253.4³⁹ of the M.L. zone; [B.C.Z.R., 1955; Bill No. 85, 1967 (substantive amendment).]

Animal boarding place, Class A. (Bill No. 85, 1967.)
Animal boarding place, Class B. (Bill No. 85, 1967.)
Boat yard. (Bills No. 64, 1963; No. 85, 1967.)
Car wash in a planned industrial park only, subject to Section 419. (Bill No. 172, 1993.)
Commercial beach, with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and boat rental. (Bills No. 64, 1963; No. 85, 1967.)
Community building, swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities. (Bills No. 64, 1963; No. 85, 1967; No. 26, 1988.)
Fuel service station, in a planned industrial park only, subject to Section 405. (Bill No. 172, 1993.)
Golf course, country club or other outdoor recreation club; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line. (Bills No. 64, 1963; No. 85, 1967.)

*CARWASH
FOR WASH
GARAGE SERV.
DURING DAY
EXCLUSION*

REV 12/93

2-73

FROM : LK155

PHONE NO. : 410-557-7240

Jan. 13 1995 06:45PM F2

PROMPT
PROFESSIONAL
SERVICE

Lang's Septic Tank Service

408 PULASKI HWY - JOPPA, MD 21085 - PHONE 879-0892

January 13, 1995

Mrs. Dawn Peery
510 Earls Rd.
Baltimore, MD. 21220

Dear Mrs. Peery:

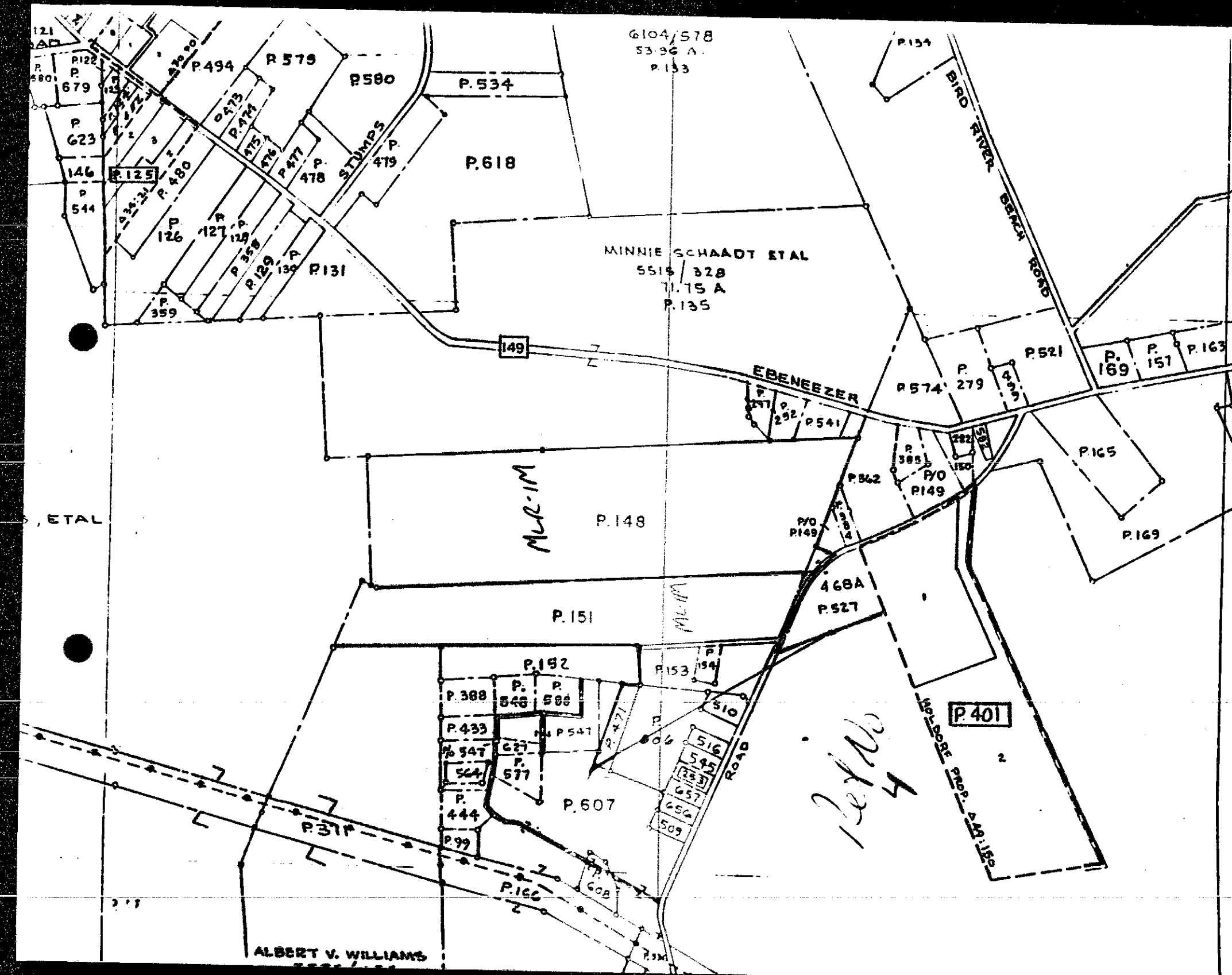
As per our discussion, please accept this letter as confirmation that we anticipate commencement of work on the septic system to begin the week of January 23, 1995, with weather permitting.

If you have any questions, please call at your convenience.

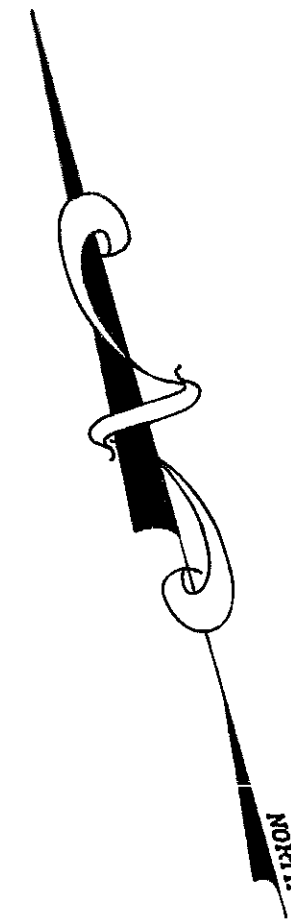
Sincerely,

Robert M. Lang, Sr.
Robert M. Lang, Sr.

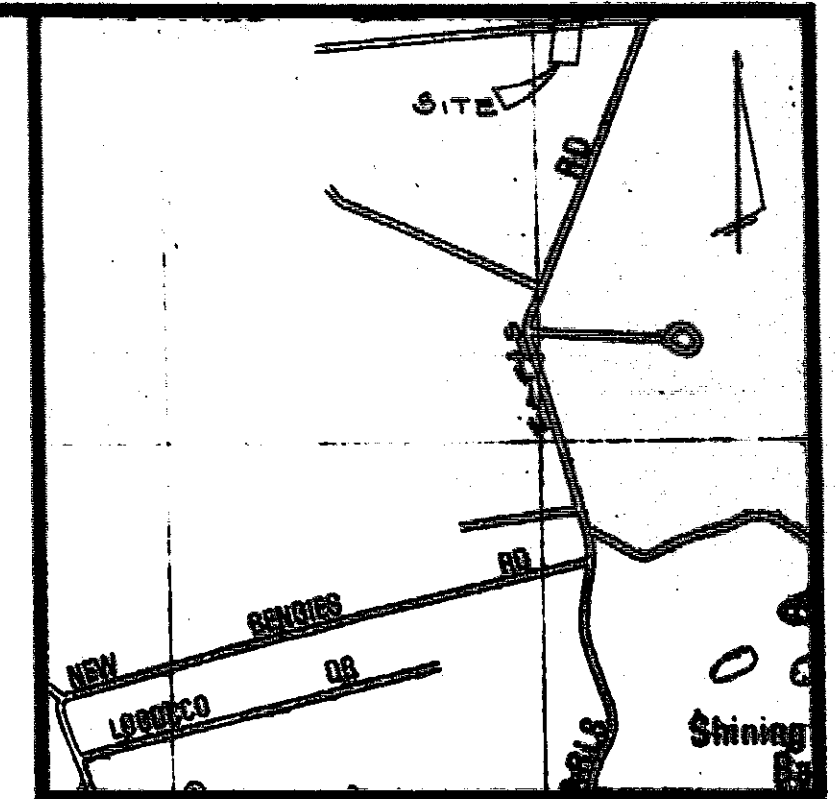
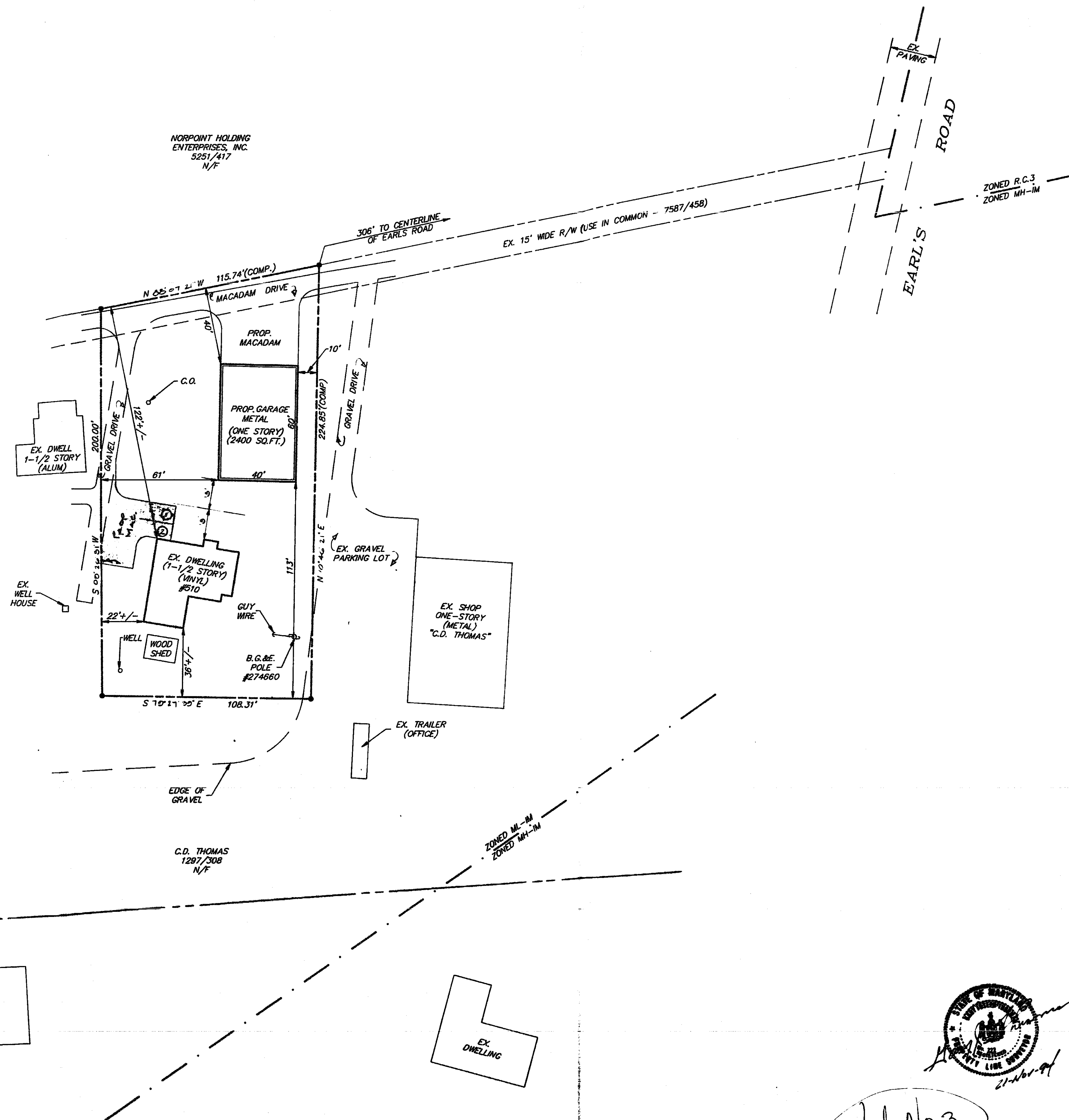
Red Note



RECEIVED FROM 00000000000000000000



NORPOINT HOLDING
ENTERPRISES, INC.
5251/417
N/F



VICINITY MAP
SCALE: 1" = 1000'
COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NO. 20483261

GENERAL NOTES:

- 1) OWNER:
FRANK L. AND CLAUDETTE L. FERGUSON
#510 EARLS ROAD
BALTIMORE, MARYLAND 21220

CONTRACT PURCHASER:
JOHN AND DAWN PEERY
P.O. BOX 774
ABINGDON, MARYLAND 21009
- 2) ELECTION DISTRICT: 15TH
- 3) COUNCILMANIC DISTRICT: 5TH
- 4) AREA OF PARCEL: 0.5401 AC. OR 23526.76 SQ. FT. MORE OR LESS
- 5) ZONING: ML-IM (BALTO. CO. ZONING MAP N.E. 6-K)
- 6) SETBACKS: FRONT - 75'
REAR AND SIDE - 50'
- 7) EXISTING USE - CARETAKERS LIVING QUARTERS
PROPOSED USE - CONTRACTORS/CONSTRUCTION STORAGE YARD
- 8) VARIANCES:
A) PROPOSED 10 FOOT SIDE YARD IN LIEU OF THE REQUIRED 30 FOOT AS SET FORTH IN THE BALTIMORE COUNTY ZONING REGULATIONS SECTIONS 238.2 AND 255.1
B) PROPOSED 30 FOOT BETWEEN BUILDINGS IN LIEU OF THE REQUIRED 50 FOOT AS SET FORTH IN THE BALTIMORE COUNTY ZONING REGULATIONS SECTIONS 102.2 AND 1802.3.C.1

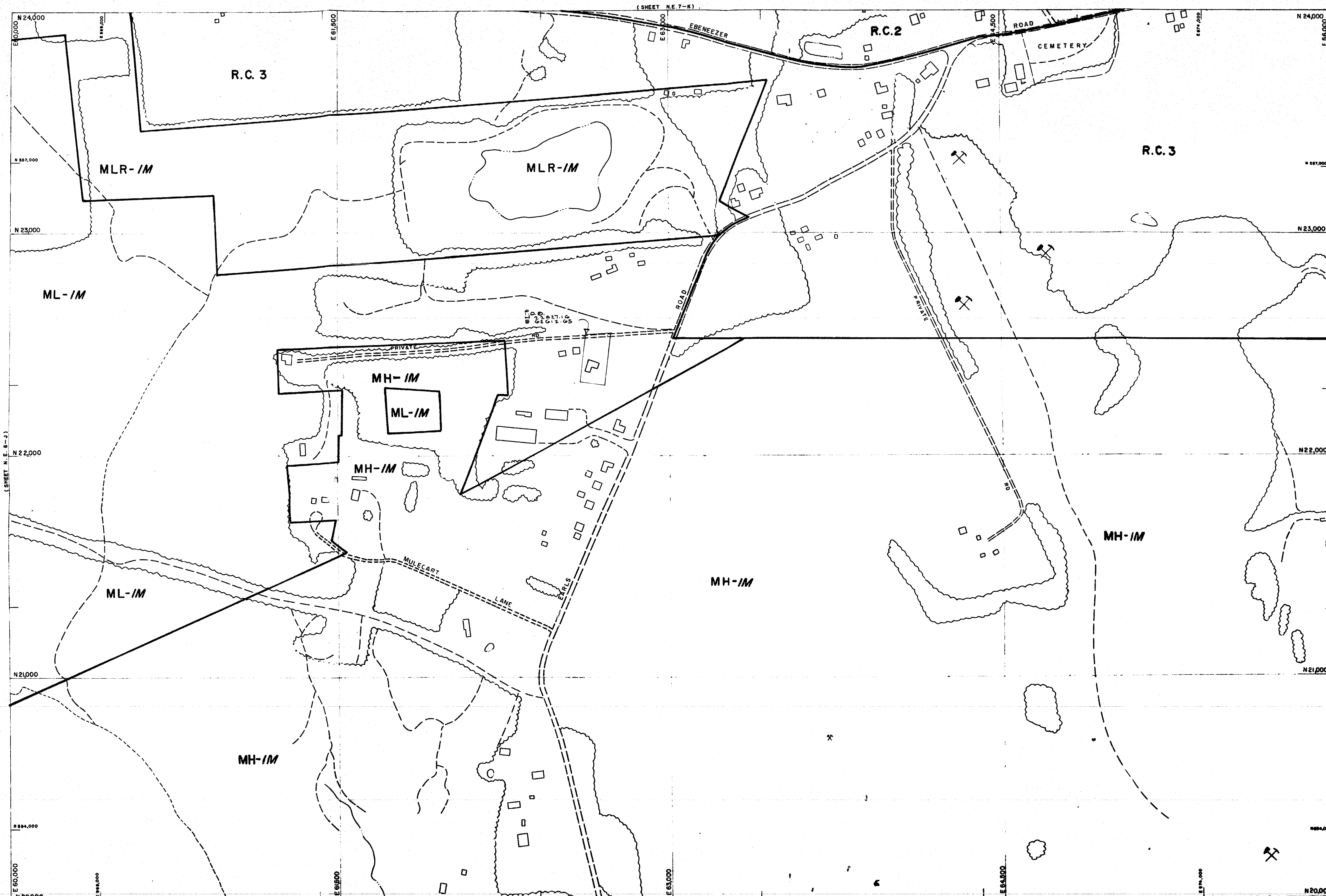
95-28-A



Plat No 3

PLAN TO ACCOMPANY VARIANCE HEARING		
#510 EARLS ROAD		
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND		
Robert R. Wilson & Associates, Inc.		
SURVEYORS * ENGINEERS		
8408 Rock Road Forest Hill, Maryland 21050 PHONE: (410) 868-8700		
SCALE: 1" = 30'	DATE: 11/02/2004	SHEET 1 of 1
DRAWN BY: BJS/PLR	CHK BY: R.R.W.	FILE: 04420

95-218-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Map Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard Jr.
Chairman, County Council

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
CHASE
VICINITY

SHEET
N.E.
6-K

M - SE MM - SW
I - NE Z - NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

#211